IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH JAIPUR.

O R D E R

Inder Raj
Vs.
State of Rajasthan and ors.

S.B. CIVIL WRIT PETITION (PAROLE) NO.2000/2007.

Date of order : 23/5/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri L.S. Tomar for the petitioner.
Shri B.S. Chhaba Dy.GA for the State.

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This is a petition by convict Inder Raj who has been sentenced to undergo rigorous imprisonment of 10 years for offences under Sections 148, 365/149, 326/149 & 307/149 IPC.

Learned counsel for the petitioner submits that as per Rule 9 of the Rajasthan Parole Rules, 1958 (in short, “Rules of 1958”) the petitioner is entitled to be

released on regular parole as he has served more than half of his sentence. His application under Rule 9 of the Rules of 1958 for release on regular parole for 20 days has been mechanically rejected vide order dated 19/10/2006 (Annexure-1).

Learned Deputy Government Advocate while opposing writ petition submitted that the District Advisory Parole Committee after scrutinizing the report of the Superintendent of Police and Probation & Social Welfare Officer, refused to recommend case of the petitioner for grant of parole.

Learned counsel for the petitioner cited the Division Bench judgment of this Court and argued that first parole of a convict is a statutory right under Rule 9 of the Rules of 1958 which should not be denied regardless the reason cited by the convict.

After hearing learned counsel for the parties and perusing the materials available on record and the judgment cited

by the learned counsel for the petitioner at the bar, I find that the matter requires re-consideration at the end of the competent authority because if any reason cited by the petitioner is not accepted as right, nevertheless his statutory right of release on first parole in terms of Rule 9 of the Rules of 1958 cannot be denied.

It is therefore directed that case of the petitioner shall be placed for consideration before the District Advisory Parole Committee again which may call for fresh reports and pass appropriate orders on the request of the petitioner within four weeks from the date of receipt of certified copy of this order.

With these observations, this writ petition is disposed of.

(MOHAMMAD RAFIQ), J.

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